

## REMARKS

### **I. Introduction**

With the cancellation herein without prejudice of claim 13, claims 9 to 11 and 14 to 18 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II. Rejection of Claims 9 to 11 and 15 Under 35 U.S.C. § 102(b)**

Claims 9 to 11 and 15 are rejected under 35 U.S.C. § 102(b) as anticipated by Monitoring of Deposition and Dry Etching of Si/SiGe Multiple Stacks, Journal of Vacuum Science and Technology 14(1): 102-105 (“Tillack et al.”). Applicant respectfully submits that Tillack et al. does not anticipate the pending claims for at least the following reasons.

Claim 9 has been amended herein without prejudice to recite, *inter alia*, that a method for producing at least one of (a) etched holes and (b) etched trenches of a component based on one of (c) silicon and (d) a layered silicon/insulator structure includes, completely removing at least one of the germanium and germanium-containing layer after completion of an etching procedure up to at least one of the germanium and germanium-containing layer. Support for this amendment may be found, for example, in claim 12 as originally presented.

By completely removing the germanium layer, the wafer may be broken into its electronic components, since they are no longer held together by the germanium layer at any point.

The Final Office Action admits on page 4 that Tillack et al. “does not explicitly teach removing at least one of the germanium and germanium-containing layer after completion of an etching procedure up to at least one of the germanium and germanium-containing layer,” but asserts that U.S. Patent Application Publication No. 2004/0245586 (“Partridge et al.”), on page 1, paragraph [0058], and Figs. 6C-6E, teaches this feature. However, while Partridge et al. may disclose removing a layer, nowhere in the cited text or anywhere else, do Partridge et al. disclose completely removing at least one of the germanium and germanium-containing layer after completion of an etching procedure up to at least one of the germanium and germanium-containing layer. As indicated throughout the specification of Partridge et al., only parts of layer 30 that are near mechanical elements 20a–d are removed, but not the complete layer, as in the present claim.

As such, neither Tillack et al. nor Partridge et al. disclose, or even suggest, completely removing at least one of the germanium and germanium-containing layer after

completion of an etching procedure up to at least one of the germanium and germanium-containing layer as set forth in claim 9. Therefore, the combination of Tillack et al. and Partridge et al. does not anticipate claim 9.

As for claims 10, 11, and 15, which depend from claim 9 and therefore incorporate all of the features of claim 9, it is respectfully submitted that Tillack et al. do not anticipate claims 10, 11, and 15, which depend from claim 9 for at least the same reasons set forth above.

Withdrawal of the present rejection is respectfully requested.

### **III. Rejection of Claims 16 and 17 Under 35 U.S.C. § 103(a)**

Claims 16 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,888,845 (“Bashir et al.”). Applicant respectfully submits that Bashir et al. do not render unpatentable claims 16 and 17 for at least the following reasons.

Claim 16 has been amended herein without prejudice to recite, *inter alia*, that a diaphragm sensor unit includes the feature of the at least one of the germanium and germanium-containing layer is completely removed after completion of a etching procedure up to at least one of the germanium and germanium-containing layer. Support for this amendment may be found, for example, in claim 12 as originally presented.

Nowhere do Bashir et al. disclose, or even suggest, that the at least one of the germanium and germanium-containing layer is completely removed after completion of a etching procedure up to at least one of the germanium and germanium-containing layer. As such, it is respectfully submitted that Bashir et al. do not render unpatentable claim 16, or claim 17, which depends from claim 16.

Withdrawal of the present rejection is respectfully requested.

### **IV. Rejection of Claims 13 and 14 Under 35 U.S.C. § 103(a)**

Claims 13 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Tillack et al. and Partridge et al. Applicant respectfully submits that the combination of Tillack et al. and Partridge et al. does not render unpatentable claims 13 and 14 for at least the following reasons.

As an initial matter, claim 13 has been canceled herein without prejudice – its subject matter incorporated into claims 9 and 16 - thereby rendering moot the present rejection with regard to claim 13.

Claim 14 depends from claim 9 and therefore incorporates all of the features of claim 9. As more fully set forth above, Tillack et al. and Partridge et al. do not disclose, or

even suggest, all of the features included in claim 9. As such, it is respectfully submitted that the combination of Tillack et al. and Partridge et al. does not render unpatentable claim 14, which depends from claim 9.

Withdrawal of the present rejection is respectfully requested.

**V. Rejection of Claim 18 Under 35 U.S.C. § 103(a)**

Claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Bashir et al. and U.S. Patent No. 4,986,127 (“Shimada et al.”). Applicant respectfully submits that the combination of Bashir et al. and Shimada et al. does not render unpatentable claim 18 for at least the following reasons.

Claim 18 depends from claim 16 and therefore incorporates all of the features of claim 16. As more fully set forth above, Bashir et al. do not disclose, or even suggest, all of the features included in claim 16. Shimada et al. do not cure this critical deficiency of Bashir et al. As such, it is respectfully submitted that the combination of Bashir et al. and Shimada et al. does not render unpatentable claim 18, which depends from claim 16.

Withdrawal of the present rejection is respectfully requested.

**VI. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: January 7, 2010

By /Clifford A. Ulrich/  
Clifford A. Ulrich, Reg. No. 42,194 for  
Gerard A. Messina (Reg. No. 35,952)

KENYON & KENYON LLP  
One Broadway  
New York, NY 10004  
(212) 425-7200  
**CUSTOMER NO. 26646**